HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25231 OF 2006

Between:

R.Krishnaiah
. . .Petitioner

AND

State of Andhra Pradesh and others
. . .Respondents

:: ORDER ::

Counsel for the Petitioner : Shri P.V.Krishnaiah

6th December, 2006

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PER G.S.SINGHVI, CJ

In this petition filed as public interest litigation, the petitioner has made the following substantive prayer:

> "In the circumstances, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction in the nature of Mandamus or otherwise declaring the Memo No.32167/Ex.1(2)/2004-7 dt. 27.7.2005 issued by the 1st respondent as arbitrary, illegal, malafide, unconstitutional violating Article 14, 16 and 21 of the Constitution of India apart from ultra vires to Note 3 Rule 3 of the A.P. Subordinate Service Rules as well as para 3 and 5 of the A.P. Public Employment (Organization of Local cadres and regulation of direct recruitment) Order 1975 which is called as the Presidential Order and set aside the same and issue consequential directions restraining the respondents from absorbing the A.P.S.P. Constables who are working on deputation as Excise Constables as Proh. & Excise Constables in the Excise Department with a direction to fill up all the posts of Proh. & Excise Constables earmarked for direct recruits under Note 3 Rule 3 of the A.P. Excise Subordinate Service Rules by considering the candidates who have participated in the selection process conducted by the authorities in the year 1994 as well as fresh candidates."

Learned counsel for the petitioner says that his client may be permitted to withdraw this petition with liberty to the aggrieved persons to seek intervention of the Court.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty to the aggrieved persons to file writ petition under Article 226 of the Constitution of India

or avail other appropriate legal remedies.

As a sequel to disposal of the main petition, W.P.M.P.Nos.32303 and 32304 of 2006 filed by the petitioner for interim relief are dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 06.12.2006

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